

Clerk to report.
 Clerk to keep account of time of jury.

cause the same to be charged to the treasurer; and it is hereby made the duty of the clerk of the court, where a case is tried by jury, to keep the true and correct time occupied by the jury in such case, from the time of its being impaneled to the time when it is discharged, and to tax to each case the amount of jury fees properly chargeable to it under the provisions of this section.”

Approved March 18th, 1874.

CHAPTER 33.

EVIDENCE OF HUSBAND AND WIFE.

S. F. 108. An ACT to Repeal Section 3641 of Chapter 1 of Title 22, of the Code [relating to “Evidence”] and to Enact a Substitute therefor.

Code: § 3641 amended.
 When husband and wife may be witnesses against each other. May be witnesses for each other in all cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section three thousand six hundred and forty-one (3641), of chapter one (1), title twenty-two (22) of the code, be and the same is hereby repealed, and in lieu thereof the following is enacted as a substitute:

“Section 3641. Neither the husband nor wife shall in any case be a witness against the other, except in a criminal prosecution for a crime committed one against the other, or in a civil action or proceeding one against the other; but they may in all civil and criminal cases be witnesses for each other.”

Approved March 18th, 1874.

CHAPTER 34.

ESTABLISHMENT OF PUBLIC WAYS TO MINES AND STONE QUARRIES.

S. F. 223. AN ACT Authorizing the Establishment of Public Ways to Lands having Stone and Mineral Thereon. [Additional to Code, Title IX. Chapter 4: relating to “Taking Private Property for Works of Inter-“nal Improvement.”]

Quarry or mine owners may have public way established.
 Same to be fenced.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person, copartnership, joint-stock association, or corporation, owning, leasing, or possessing any lands having thereon or thereunder any coal, stone, lead, or other mineral, may have established over the land of another a public way from any stone-quarry, coal, lead, or other mine, to any railway or highway, not exceeding (except by the consent of the owner of the land to be taken) fifty feet in width. When said road shall be constructed, it shall, when passing through inclosed lands, be fenced on both sides by the person or corporations causing said road to be established.

SEC. 2. If the owner of any real estate, necessary to be taken for the purposes mentioned in this act, refuse to grant the right of way, or if such owner and the person, partnership, joint-stock

Proceedings to condemn right of way.